

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TIMOTHY J. LANE, JR.,)
Plaintiff,)
)
v.) No. 1:13-CV-11473-JLT
)
CAROLYN W. COLVIN,)
Acting Commissioner)
of Social Security,)
)
Defendant)

ORDER

Pursuant to the power of this Court to enter a judgment affirming, modifying or reversing the decision of the Acting Commissioner of Social Security (“Commissioner”) in Social Security actions under sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), and in light of the government’s request to remand this action for further agency action, it is ordered that this matter be remanded to the Appeals Council, so that it may issue an order remanding this case to an Administrative Law Judge for further development of the record.

Upon remand, the Appeals Council will instruct the Administrative Law Judge (1) to further develop the record, including obtaining additional information from Dr. Kwa (including additional records from Dr. Ackil) that might be relevant to plaintiff’s condition through September 30, 2008, and obtaining evidence from Massport as to plaintiff’s alleged injury in 2000-2001; (2) to properly evaluate the medical opinion evidence in the record and plaintiff’s subjective complaints; and (3) to conduct all further proceedings necessary to further develop the record, including the scheduling of a timely hearing if necessary, and evaluate the case, in accordance with the sequential process.

Therefore, this Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings, as specified above. See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S. 89 (1991).

The clerk of the court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED on this 5th day of May, 2014


United States District Court Judge